

Federal Mediation and Conciliation Service

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may be granted by the Regional Director, if a regional employee, or by the Director of Administrative Management, if a national office employee. Approval for such outside activity for all other employees of the Service shall be granted by the Director or his designee. Requests for approval shall be made in writing through the employee's supervisor and must contain the following:

- (1) The name and address of the employer or business activity;
- (2) The exact nature of the work or employment;
- (3) Working hours.

[33 FR 5765, Apr. 13, 1968, as amended at 58 FR 35377, July 1, 1993]

§ 1400.735-19 Influencing Members of Congress.

No money appropriated to the Service shall be used by any employee of the Service to pay for any personal service, printed or written matter, or other devices intended to influence any Member of Congress regarding any legislation or appropriation before the Congress.

§ 1400.735-20 Code of Professional Conduct for Labor Mediators.

In 1964, a Code of Professional Conduct for Labor Mediators was drafted by a Federal-State Liaison Committee and approved by the Service and the Association of Labor Mediation Agencies at its annual meeting. It is expected that mediators in the Federal Mediation and Conciliation Service will make themselves familiar with this Code and will conduct themselves in accordance with the responsibilities outlined therein. The complete narrative of the Code appears in the appendix to this part.

§ 1400.735-21 Miscellaneous statutory provisions.

Each employee shall acquaint himself with the statutes that relate to his ethical and other conduct as an employee of the Federal Mediation and Conciliation Service and of the Government. The attention of all employees is directed to the following statutory provisions and to the accompanying chart of penalties and statutory references:

(a) House Concurrent Resolution 175, 85th Congress, 2d session, 72 Stat. B12, the "Code of Ethics for Government Service."

(b) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest, as appropriate to the employees concerned.

(c) The prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

(e) The prohibition against the employment of a member of a Communist organization (50 U.S.C. 784).

(f) The prohibitions against (1) the disclosure of classified information (18 U.S.C. 798, 50 U.S.C. 783); and (2) the disclosure of confidential information (18 U.S.C. 1905).

(g) The provisions relating to the habitual use of intoxicants to excess (5 U.S.C. 7352).

(h) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638a (c)).

(i) The prohibition against the misuse of the franking privilege (18 U.S.C. 1719).

(j) The prohibition against the use of deceit in an examination of personnel action in connection with Government employment (18 U.S.C. 1917).

(k) The prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(l) The prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(m) The prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(n) The prohibitions against (1) embezzlement of Government money or property (18 U.S.C. 641); (2) failing to account for public money (18 U.S.C. 643); and (3) embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(o) The prohibition against unauthorized use of documents relating to claims from or by the Government (18 U.S.C. 285).

(p) The prohibitions against political activities in subchapter III of chapter

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73 of title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(r) Penalties: The following table, copied from the Federal Personnel Manual, lists maximum penalties for some of the more serious offenses.

Prohibition	Statute and United States Code	Maximum penalty
A–1. Gifts to official superiors	5 U.S.C. 7351	Removal.
A–2. Conflicts of interest:		
a. Receiving compensation in relation to claims contracts, etc.	18 U.S.C. 203	\$10,000 fine; 2 years imprisonment or both; and removal.
b. Prosecuting claims against and other matters affecting the Government.	18 U.S.C. 205	\$10,000 fine; 2 years imprisonment or both.
c. Prosecuting claims involving matters connected with former duties—disqualification of partners.	18 U.S.C. 207	\$10,000 fine; 2 years imprisonment or both.
d. Interested persons acting as Government agents.	18 U.S.C. 208	\$10,000 fine; 2 years imprisonment or both.
e. Salaries from other than Government sources.	18 U.S.C. 209	\$5,000 fine; 1 year imprisonment or both.
A–3. Lobbying with appropriated funds	18 U.S.C. 1913	\$500 fine; 1 year imprisonment or both; and removal.
A–4. Denial of rights to petition Congress	5 U.S.C. 7102	No specific penalty provided.
A–5. Failure to make return or report	18 U.S.C. 2075	\$1,000 fine.
A–6. Disloyalty and striking	5 U.S.C. 7311; 18 U.S.C. 1918.	\$1,000 fine, 1 year and a day imprisonment or both; and removal.
A–7. Employment of member of proscribed communist organization.	50 U.S.C. 784 et seq	\$10,000 fine; 5 years imprisonment or both; and removal.
A–8. Disclosure of classified information	18 U.S.C. 798; 50 U.S.C. 783.	\$10,000 fine; 10 years imprisonment or both; and removal.
A–9. Disclosure of confidential information	18 U.S.C. 1905	\$1,000 fine; 1 year imprisonment or both; and removal.
A–10. Habitual use of intoxicants to excess	5 U.S.C. 7352	Removal.
A–11. Misuse of Government vehicles	31 U.S.C. 638a(c)	Removal.
A–12. Misuse of franking privilege	18 U.S.C. 1719	\$300 fine.
A–13. Deceit in examinations and personnel actions.	5 U.S.C. 1917	\$1,000 fine; 1 year imprisonment or both.
A–14. Fraud and false statements	18 U.S.C. 1001	\$10,000 fine; 5 years imprisonment or both.
A–15. Unlawful mutilating or destroying public records.	18 U.S.C. 2071(b)	\$2,000 fine; 3 years imprisonment or both; and removal.
A–16. Bribery and graft:		
a. Bribery of public officials	18 U.S.C. 201	\$20,000 fine or three times the money or thing received, whichever is greater; 15 years imprisonment or both; and removal.
b. Acceptance or solicitation to obtain appointive office.	18 U.S.C. 211	\$1,000 fine; 1 year imprisonment or both.
A–17. Counterfeiting and forgery of transportation requests.	18 U.S.C. 508	\$5,000 fine; 10 years imprisonment or both.
A–18. Embezzlement and theft:		
a. Taking money, property, or records	18 U.S.C. 641	\$10,000 fine; 10 years imprisonment or both.
b. Failure to render accounts for public money.	18 U.S.C. 643	Fine equal to amount embezzled; imprisonment not more than 10 years or both.
c. Wrongfully converting property of another ..	18 U.S.C. 654	Same as penalty immediately above.
A–19. Taking or using papers related to claims	18 U.S.C. 285	\$5,000 fine; 5 years imprisonment or both.

Subpart F—Disciplinary Actions and Penalties

§ 1400.735–60 Disciplinary actions.

The Service shall take prompt disciplinary action against an employee committing prohibited activity, or whose conduct is prejudicial to the best interests of the Service, or of a nature to bring discredit to it. There are four

major types of disciplinary action possible, following the above proceedings.

(a) *Reprimand*. An official reprimand usually shall be issued to an employee or special Government employee for a first offense which is not serious.

(b) *Suspension*. Under Civil Service and Federal Mediation and Conciliation Service regulations, an employee or special Government employee may